

MINUTES of the Regular Meeting of  
the City Council of the City of Rye held in  
City Hall on January 19, 2000 at 8:00 P.M.

PRESENT:

STEVEN OTIS, Mayor  
CAROLYN CUNNINGHAM  
ROBERTA DOWNING  
ROBERT H. HUTCHINGS  
ROSAMOND LARR  
DOUGLAS MCKEAN  
ARTHUR STAMPLEMAN  
Councilmen

ABSENT:

NONE

Councilman Stampleman made a motion, seconded by Councilwoman Larr, to adjourn into executive session to discuss litigation and personnel matters at 7:15 P.M.

The Council reconvened at 8:00 P.M.

1. Pledge of Allegiance

Mayor Otis invited the audience to join the council in the Pledge of Allegiance.

2. Roll Call

Mayor Otis called the meeting to order; a quorum was present to conduct official city business.

3. Residents may be heard who have matters to discuss that do not appear on the agenda

There were no residents wishing to address the council on matters that did not appear on the agenda.

4. Public hearing on proposed local law amending Article 8 of the Rye City Charter by creating a new Section C8-6, Interim City Manager

Mayor Otis acknowledged the January 7, 2000 memorandum from Corporation Counsel Neale regarding an amendment to the City Charter explicitly authorizing the designation of a person who would sit as City Manager in the event the office becomes vacant and also providing that the person designated in the interim must be a resident of Westchester County.

Mayor Otis opened the public hearing.

Councilman Stampleman supported changing the residency requirement for an interim City Manager, however, he endorsed maintaining residency for the permanent city manager.

There being no further comments, the Mayor closed the public hearing.

Councilman Stampleman made a motion, seconded by Councilman Hutchings, to adopt the following local law:

**CITY OF RYE  
LOCAL LAW NO. 1-2000**

A local law amending  
Article 8 of the Rye City Charter  
by creating a new Section C8-6  
Interim City Manager

Be it enacted by the Council of the City of Rye as follows:

Section 1. Article 8 of the Rye City Charter is hereby amended by adding Section C8-6 as follows:

**§ C8-6. Interim City Manager.**

In the event the office of City Manager becomes vacant for any reason, the Council shall designate a qualified city administrative officer to exercise the powers and perform the duties of Manager until the appointment of a Manager has been made in accordance with the Charter. The person designated to act as Manager in the interim shall be a resident of the County of Westchester.

Section 2 This local law shall take effect immediately on filing in the office of the Secretary of State.

ROLL CALL:

AYES: Mayor Otis, Councilmen Cunningham, Downing,  
Hutchings, Larr, McKean, and Stampleman

NAYS: None

ABSENT: None

The local law was adopted.

5. Consideration of request for approval to repair and expand an existing stone wall in the city right-of-way parallel to the property line of 89 Oakland Beach Avenue

Mayor Otis acknowledged the January 7, 2000 letter and attached documents from G. Darcy Gibson, architect, requesting council approval for Mr. and Mrs. Declan Quirke, 89 Oakland Beach Avenue, to repair and expand an existing stone wall in the city-right-of-way parallel to the property line of 89 Oakland Beach Avenue.

Mr. G. Darcy Gibson made the following comments:

- the new stone posts will mark the driveway entrance to three homes,
- the entry to this flag lot is difficult for guests and delivery services to find, and
- plans for the proposed wall repair and expansion were approved by the Engineering Department in October, 1999 and by the Board of Architectural Review in November, 1999.

Mr. Gibson circulated pictures of the condition of the existing stone wall.

A brief discussion focused on the repair of the existing wall and appropriately selected signage to identify the houses.

Councilwoman Cunningham made a motion, seconded by Councilman McKean, to adopt the following resolution:

**RESOLVED**, that the City Council of the City of Rye hereby authorizes the City Manager to enter into an agreement on behalf of the City of Rye with Mr. and Mrs. Declan Quirke of 89 Oakland Beach Avenue, Rye, New York, to install two stone posts and stone wall parallel to the Licensee's property line in the City right-of-way along Oakland Beach Avenue, and, be it further

**RESOLVED**, that the City grants a revocable license to permit the licensee to make such improvement and installation at their own cost and expense.

ROLL CALL:

AYES: Mayor Otis, Councilmen Cunningham, Downing,  
Hutchings, Larr, McKean, and Stampleman

NAYS: None

ABSENT: None

The resolution passed.

6. Proposed resolution regarding flight paths to and from Westchester County Airport

Councilwoman Cunningham offered an improved proposed resolution regarding flight paths to and from Westchester County Airport.

She noted that some changes were submitted by Councilman Stampleman and others were taken from the Village of Rye Brook resolution. She said this amended resolution covers all the important points and reports the information accurately.

Mr. Jack Place, 290 Grace Church Street, said that the local press has reported that a group of residents of the Town of Greenwich, Connecticut have petitioned the Federal Aviation Authority (FAA) to change the path of flights to Westchester County Airport so that it is outside Greenwich, Connecticut over New York State. He distributed copies of the visual approaches for Westchester County Airport. Mr. Place said that the Greenwich residents are arrogant, naïve, and uninformed. He stressed that they know nothing about approaches; their petition would mean that six out of the seven approaches would be illegal. He said the Greenwich proposal would put safety at risk.

Councilwoman Cunningham clarified that the press report was incorrect. Greenwich has not submitted a proposal to the FAA.

A general discussion focused on

- County Executive Andrew Spano's meeting scheduled for January 20, 2000 to formulate a strategy to represent Westchester's viewpoint on the Greenwich proposal at the March 9, 2000 meeting with the Greenwich group,
- Councilwoman Downing's suggestion to include the issue of safety in the proposed resolution, and
- Councilwoman Cunningham's report on the recent Airport Redesign Workshop.

Mayor Otis said that the council just passed a resolution opposing a change in flight paths and raising this issue with our county, state, and federal officials. He said we will continue to pursue this issue with the county and Congresswoman Nita Lowey because a federal agency is involved.

Mr. Place said that Congresswoman Lowey could be very helpful (through congressional action) in having the FAA authorize that curfews are enforced at the Westchester County Airport.

Mayor Otis acknowledged that Councilwoman Cunningham, Mr. Jack Place, and Mr. Maurio Sax (present at this meeting) were the original members of the Rye Airport Advisory Committee. Mr. Place also served on the Westchester County Airport Advisory Board.

Councilwoman Cunningham made a motion, seconded by Councilman Stampleman, to adopt the following resolution:

**WHEREAS**, it has been reported in the local press that a group of residents of the Town of Greenwich, Connecticut have petitioned the Federal Aviation Authority (F.A.A.) to change the path of flights to the Westchester County Airport so that it is outside Greenwich, Connecticut and over New York State; and

**WHEREAS**, if the F.A.A. were to accept this petition, the proposed new route would cause increased amounts of noise to the residents in the area surrounding the Airport, including, but not limited to the Town of Rye, Village of Rye Brook, City of Rye, the Town of Harrison and the Town of North Castle; and

**WHEREAS**, the Westchester County Airport is situated virtually on the New York-Connecticut border, is heavily used by Connecticut residents, including residents of the Town of Greenwich as well as Connecticut-based companies; and

**WHEREAS**, the Westchester communities affected are just as suburban as Greenwich, thus refuting the Greenwich group's argument that their New York neighbors, being more urban, would not notice the difference in noise levels; and

**WHEREAS**, the petition injures the long-standing good relations the New York border communities have had with the Town of Greenwich; and

**WHEREAS**, it is counterproductive for certain residents of one noise-impacted community to ask special privileges at the expense of residents of other noise-impacted communities; and

**WHEREAS**, the path proposed in the Greenwich plan raises serious questions regarding the safety of both visual and instrument flight path approaches; now, therefore, be it

**RESOLVED**, that the City of Rye strongly opposes the petition proposed to be made to the F.A.A. by certain residents of the Town of Greenwich, Connecticut to modify flight paths to and from Westchester County Airport which would re-direct such flights over New York State; and be it further

**RESOLVED**, that the City of Rye supports the efforts of the County Executive and the County Board of Legislators in defending against any change in the present flight path to the Westchester County Airport that would increase noise for Westchester residents; and be it further

**RESOLVED**, that a copy of this resolution be forwarded to County Executive Andrew J. Spano, Congresswoman Nita Lowey, State Senator Suzi Oppenheimer, Assemblyman Ronald Tocci, County Board Chair/Legislator George Latimer, the Town of Rye, the Town of Harrison, the Town of North Castle, the Village of Port Chester, and the Village of Rye Brook for action; and be it further

**RESOLVED**, that should the Greenwich residents send the proposed petition to the F.A.A., a copy of this resolution be forwarded to the Federal Aviation Authority.

ROLL CALL:

AYES: Mayor Otis, Councilmen Cunningham, Downing,  
Hutchings, Larr, McKean, and Stampleman

NAYS: None

ABSENT: None

The resolution passed.

7. Authorization for the City Manager to enter into an Agreement with Harza Engineering Company for Engineering Consulting Services in support of the city's Project Impact Technical Study

Mayor Otis acknowledged the January 14, 2000 memo from Mr. Jeffrey Stonehill, Administrative Assistant, regarding the Project Impact Technical Study. He noted the technical study is the first step that Federal Emergency Management Agency (FEMA) requires the city to do in Project Impact. He said we have merged environmental issues in our brooks with flood control issues because there is a natural scientific link.

City Manager Culross explained that much of this engineering and technical information will provide the city with new data (maps and aerial photographs) of the entire City and the watershed which will benefit the city in many ways.

Mr. Stonehill informed the council that six local and national engineering firms responded to the city's Request For Proposal. He said a committee was established which was comprised of city staff, members of commissions, and Ms. Laura Tessier, consultant. This committee determined that Harza

Engineering Inc. is the most qualified company to undertake this project. He explained that this large technical study will be divided into subcategories to prioritize tasks and to control the budget and allocation of funds for these projects. He respectfully requested that the council consider the general service contract which hires Harza Engineering, Inc. to undertake a number of different tasks. Task Order #001 will be the first phase of the work.

Councilman Stampleman expressed his appreciation to Mr. Stonehill for responding to his questions prior to this meeting.

Council discussion focused on:

- FEMA funding and the amount allocated for technical studies,
- rationale for doing technical studies,
- tools for high quality application in future,
- FEMA will assist the city for future federal grants,
- aerial mapping which includes watersheds,
- subcontractors for Harza Engineering, and
- services in Task #001

Mayor Otis expressed appreciation to City Manager Culross, City Engineer Mottarella and Mr. Jeffrey Stonehill for all their efforts.

Councilman Stampleman made a motion, seconded by Councilwoman Downing, to adopt the following resolution:

**RESOLVED**, that the City Council of the City of Rye hereby authorizes the City Manager to enter into an agreement with Harza Engineering Company, engineering consultant, for engineering services on the Project Impact Technical Study for a fee which does not exceed \$360,000 for tasks related to survey and digital mapping of the City of Rye, the Beaver Swamp Brook, the Blind Brook and the Long Island Sound coastline.

ROLL CALL:

AYES: Mayor Otis, Councilmen Cunningham, Downing,  
Hutchings, Larr, McKean, and Stampleman

NAYS:None

ABSENT: None

The resolution passed.

8. Discussion of the need for appraisals for the Friends Meeting House property on Milton Road and for property located at 8 Belmont Avenue

Mayor Otis said a professional appraisal would assist the council in making a decision as to whether or not to make an offer by March for the Friends Meeting House property on Milton Road. He proposed that the City Council authorize the City Manager to take the necessary steps to have the property appraised. The Mayor noted that a second property at 8 Belmont Avenue might also be available. He explained that this property is deep into Beaver Swamp Brook and it is often underwater. He also stated that it is on the list of Project Impact and flood control properties. The Mayor suggested (pending the results of discussion with the listing agent) that the City Manager be authorized to secure an appraisal on 8 Belmont Avenue as well.

The Mayor stated that the city will be looking for partners for funding land acquisitions. He noted that Westchester County has an open space plan for land acquisition and there are also state and federal funds available. He asked the viewing audience for ideas on how to fund these two properties and future acquisitions in a fiscally sound way.

Councilman Stampleman made a motion, seconded by Councilman McKean, to adopt the following resolution:

**RESOLVED**, that the City Council of the City of Rye hereby authorizes the City Manager to arrange for professional appraisals for the Friends Meeting House property located on Milton Road and conditionally on property located at 8 Belmont Avenue, pending the results of discussion with the realtor.

ROLL CALL:

AYES: Mayor Otis, Councilmen Cunningham, Downing,  
Hutchings, Larr, McKean, and Stampleman

NAYS:None

ABSENT: None



The resolution passed.

9. Resolution authorizing the issuance of \$1,110,000 serial bonds of the City of Rye, Westchester County, New York, to pay the cost of various capital projects in and for said city

Mayor Otis acknowledged the January 12, 2000 memorandum from City Manager Culross regarding the proposed resolution authorizing the issuance of \$1,110,000 serial bonds of the City of Rye, to pay the cost of various capital projects in and for said city.

City Manager Culross said that the 2000 Budget anticipates the issuance of \$1,110,000 general obligation bonds for the following capital projects:

Fire Ladder Truck	\$ 450,000
Traffic Signal (Grace Church Street at Midland and Manursing Avenues)	225,000
Traffic Signal (Ridge Street at High Street - city's 50% share)	50,000
Traffic Signal (Boston Post Road at Barlow Lane)	125,000
Cowles Avenue Storm Drain	50,000
Grapal Street Drainage Improvements	125,000
Club Road and Highland Road Storm Drain	60,000
Mohawk Street Drainage Improvements	<u>25,000</u>
	\$1,110,000

The issuance of these bonds is subject to a permissive referendum in accordance with the City Charter. Therefore, it is important that this process begin now so that design and implementation of these various capital projects will not be delayed.

Council discussion focused on:

- cost of traffic signals and installation, and

- new fire trucks

Councilman McKean made a motion, seconded by Councilman Stampleman, to adopt the following resolution:

**WHEREAS**, all conditions precedent to the financing of the capital projects hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, have been performed; and

**WHEREAS**, it is now desired to authorize the financing of such capital projects; now, therefore, be it

**RESOLVED**, by the City Council of the City of Rye, Westchester County, New York, as follows:

Section 1. For the object or purpose of paying the costs of the various capital projects hereinafter described in Section 2 hereof, there are hereby authorized to be issued \$1,110,000 serial bonds of the City of Rye, Westchester County, New York, pursuant to the provisions of the Local Finance Law.

Section 2. The specific objects or purposes or classes of objects or purposes to be financed pursuant to this resolution and their maximum estimated costs and their periods of probable usefulness are as follows:

- a. The purchase of fire ladder truck, including apparatus used and incidental expenses incurred in connection therewith, a specific object or purpose, at a maximum estimated cost of \$450,000. It is hereby determined that the plan for the financing thereof shall consist of the issuance of \$450,000 serial bonds of the \$1,110,000 serial bonds authorized to be issued pursuant to this bond resolution. It is hereby further determined that the period of probable usefulness of the aforesaid specific object or purpose is twenty years, pursuant to subdivision 27 of paragraph a of Section 11.00 of the Local Finance Law;
- b. The purchase and installation of traffic signals at various intersections in and for said City, including incidental expenses in connection therewith, a class of objects or purposes, at a maximum estimated cost of \$400,000. It is hereby determined that the plan for the financing thereof shall consist of the issuance of \$400,000 serial bonds of the \$1,110,000 serial bonds authorized to be issued pursuant to this bond resolution. It is hereby further determined that the period of probable usefulness of the aforesaid class of objects or purposes is twenty years, pursuant to subdivision 72(2nd) of paragraph a of Section 11.00 of the Local Finance Law; and
- c. To pay the cost of surface and storm drainage improvements at various locations throughout and in and for said City, including incidental improvements and

expenses in connection therewith, a class of objects or purposes, at a maximum estimated cost of \$260,000. It is hereby determined that the plan for the financing thereof shall consist of the issuance of \$260,000 serial bonds of the \$1,110,000 serial bonds authorized to be issued pursuant to this bond resolution. It is hereby further determined that the period of probable usefulness of the aforesaid class of objects or purposes is forty years, pursuant to subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law.

Section 3. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the City Comptroller, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said City Comptroller, consistent with the provisions of the Local Finance Law.

Section 4. The faith and credit of said City of Rye, Westchester County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 5. Such bonds shall be in fully registered form and shall be signed in the name of the City of Rye, Westchester County, New York, by the manual or facsimile signature of the City Comptroller and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the City Clerk.

Section 6. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the City Comptroller, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he shall deem best for the interests of the City, including, but not limited to, the power to sell said serial bonds to the New York State Environmental Facilities Corporation; provided, however, that in the exercise of these delegated powers, he shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the City Comptroller shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 7. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the City by the facsimile signature of the City Comptroller, providing for the

manual countersignature of a fiscal agent or of a designated official of the City), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the City Comptroller. It is hereby determined that it is to the financial advantage of the City not to impose and collect from registered owners of such serial bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the City Comptroller shall determine.

Section 8. The power to issue and sell notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Local Finance Law is hereby delegated to the City Comptroller. Such notes shall be of such terms, form and contents as may be prescribed by said City Comptroller consistent with the provisions of the Local Finance Law.

Section 9. The City Comptroller is hereby further authorized, at his sole discretion, to execute a project financing and loan agreement, and any other agreements with the New York State Department of Environmental Conservation and/or Department of Health and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of any of the objects or purposes described in Section 2 hereof, or a portion thereof, by a serial bond, and/or note issue of said City in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 10. The intent of this resolution is to give the City Comptroller sufficient authority to execute those applications, agreements and instruments or to do any similar acts necessary to effect the issuance of the aforesaid serial bonds and/or notes without resorting to further action of this City Council.

Section 11. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 12. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 13. Upon taking effect, this resolution shall be published in full in *The Journal News*, the official newspaper, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 14. This resolution is adopted subject to permissive referendum in accordance with the provisions of Section C21-9(B) of the City Charter of the City of Rye.

ROLL CALL:

AYES: Mayor Otis, Councilmen Cunningham, Downing,  
Hutchings, Larr, McKean, and Stampleman

NAYS: None

ABSENT: None

The resolution passed.

10. Resolution establishing the Mamaroneck Valley Sewer District Service Fee

The Mayor referenced the January 12, 2000 memo from City Manager Culross regarding an inter-municipal agreement between the City of Rye and the Village of Mamaroneck under which 26 properties located in the Greenhaven section of the Village of Mamaroneck receive sewer services from the City of Rye.

The City Manager noted that Rye's charge to the Village of Mamaroneck has been adjusted periodically by a consumer price index inflator without a fundamental review of the equity of the charge. In 1998, the rate was increased from \$17.50 per month per dwelling to \$28.23 per month per dwelling. The Village of Mamaroneck raised concerns about the equity of the charge and requested a review. After reviewing the charges and discussing the issue with the Village of Mamaroneck, the City Manager recommended that the City Council re-establish the charge to \$17.50 per dwelling per month retroactive to January 1, 1999. This would reduce the annual charge from \$8,808 to \$5,460 which would be equitable. The City Manager said that the 2000 Budget anticipated a reduction in this charge. He suggested that there should be some formula for adjusting the rate in the future and that the issue be reviewed again in six months.

Councilman Downing made a motion, seconded by Councilwoman Cunningham, to adopt the following resolution:

**RESOLVED**, that the City of Rye hereby authorizes the City Manager to notify the Village of Mamaroneck that the City of Rye has undertaken a review of the fee charged to the Village of Mamaroneck for the twenty-six (26) homes on land bordered by Taylor's Lane and Mill Pond within

the Village of Mamaroneck and connected to the City of Rye's Brevoort Lane pumping station for the purpose of supplying lateral sanitary sewer service to those homes, and be it further

**RESOLVED**, that the fee be decreased from \$28.23 to \$17.50 per month per dwelling retroactive to January 1, 1999

ROLL CALL:

AYES: Mayor Otis, Councilmen Cunningham, Downing  
Hutchings, Larr, McKean and Stampleman

NAYS:None

ABSENT: None

The resolution passed.

11. Authorization to pay the balance of Union Free School District taxes as of December 31, 1999

Mayor Otis acknowledged the January 13, 2000 memo from City Comptroller Michael A. Genito to City Manager Culross regarding the balance of the Rye Neck Union Free School District taxes.

Councilman McKean made a motion, seconded by Councilman Stampleman, to adopt the following resolution:

**RESOLVED**, that the City Comptroller be, and is hereby authorized to pay the balance of Rye Neck Union Free School District taxes as of December 31, 1999, in the amount of \$77,048.26 in accordance with Section 22.9 of the City Charter.

ROLL CALL:

AYES: Mayor Otis, Councilmen Cunningham, Downing  
Hutchings, Larr, McKean and Stampleman

NAYS:None

ABSENT: None

The resolution passed.

12. Two appointments to the Board of Architectural Review for three-year terms, by the Mayor with Council approval

Councilwoman Downing made a motion, seconded by Councilman Hutchings and unanimously carried, to approve the appointment of Ms. Lisa Easton to the Board of Architectural Review for a three-year term expiring in 2003.

13. Discussion of the number of members of the Board of Architectural Review

A general council discussion on the possibility of increasing the number of members for the Board of Architectural Review focused on the pros and cons of having alternate members. It was decided to maintain the status quo at the present time and then to evaluate the situation in six months.

14. One appointment to the Commission on Human Rights for a three-year term, by the Mayor

Councilwoman Cunningham made a motion, seconded by Councilwoman Downing and unanimously carried, to approve the re-appointment of Mrs. Janis Solomon to the Human Rights Commission for a three-year term expiring 2003.

15. Designation of the Chairman of the Finance Committee, by the Mayor

Council action on this agenda item was postponed to the February 2, 2000 council meeting.

16. One appointment to the Rye Cable Television Committee for a three-year term, by the City Council

Councilwoman Cunningham made a motion, seconded by Councilwoman Larr and unanimously carried, to approve the appointment of Ms. Susan Sciascia to the Rye Cable Television Committee for a three year term expiring 2003.

17. Designation of the following City Council Liaisons by the Mayor:

- Ambulance Corps
- Board of Appeals
- Board of Architectural Review
- Boat Basin Commission
- Commission on Human Rights
- Conservation Commission/Advisory Council
- Landmarks Advisory Committee
- Recreation Commission

Rye Cable Television Committee  
Rye-CARES Coordinator  
Rye City School Board  
Rye Free Reading Room  
Rye Golf Club Commission

Mayor Otis designated Council Members as liaisons to various City Boards or Commissions as follows:

Ambulance Corps	Councilwoman Larr
Board of Appeals	Councilwoman Cunningham
Board of Architectural Review	Councilwoman Downing
Boat Basin Commission	Councilwoman Downing
Commission on Human Rights	Councilwoman Larr
Conservation Commission (title)	Councilwoman Cunningham and Mayor Otis
Landmarks Advisory Committee	Councilwoman Larr
Recreation Commission	Councilman Stampleman
Rye Cable Television Committee	Councilman Hutchings
Rye-CARES Coordinator	Councilwoman Downing
Rye City School Board	Councilwoman Cunningham and Mayor Otis
Rye Free Reading Room	Councilman Stampleman
Rye Golf Club Commission	Councilwoman Cunningham
Finance Committee	Councilman Stampleman
Rye Merchants Association	

18. Draft unapproved minutes of the regular meeting of the City Council held January 5, 2000

Councilwoman Cunningham made a motion, seconded by Councilwoman Larr and unanimously carried, to approve the minutes of the regular meeting of the City Council held January 5, 2000, as amended.

19. Miscellaneous communications and reports

A. Councilman Stampleman inquired about the status of Mrs. D'Angelo's complaint regarding the Town of Harrison clearing the leaves from Blind Brook and the petition regarding traffic problems on Redfield Street. The Mayor said that he will address the issue of leaves when he meets with the Town of Harrison on Project Impact. He said the petition on Redfield Street has been submitted to the Traffic and Transportation Committee. Most of the concerns on Redfield Street fall under the jurisdiction of



Westchester County. Councilman Stampleman suggested that the County Legislator might be able to assist.

B. Councilwoman Downing informed the Council that Christ Church Nursery School offers the Bonnie Loflin Memorial Scholarship for 3 and 4-year olds. She asked City Manager Culross to inform city employees about the availability of this scholarship.

C. Councilman Hutchings noted that Eastchester Town Supervisor James Cavanaugh has made a formal complaint with the Federal Communication Commission (FCC) regarding two rate increases by Cablevision within one year. He stated that it is the consensus of the Rye Cable Commission that raising the rates without any additional services is unfair. The Commission suggested that the Mayor and Council write a letter of complaint and express the city's concerns. The Mayor said that he had contacted Eastchester and asked for a copy of the complaint. When he receives it, the Council will discuss possible action.

D. Councilman McKean acknowledged receiving a letter from a resident requesting sidewalks along Forest Avenue between Apawamis Avenue and Grace Church Street. He suggested referring this matter to the Traffic and Transportation Committee.

City Manager Culross noted that generally residents do not want the responsibility of the upkeep of a sidewalk and enjoy the more rural atmosphere.

Mayor Otis noted that there are grade problems and physical barriers on both sides that make the issue complicated. He said city policy does not require sidewalks in a subdivision.

Councilwoman Cunningham suggested that residents who raise the issue should initiate a petition.

E. Councilwoman Larr acknowledged the January 10, 2000 letter from Fire Chief George Ballantoni stating that the Board of Fire Wardens of the Rye Fire Department voted unanimously to request the City Council to rename Second Street to Werner Place, in honor of Jacob Werner, the first Chief Engineer of the Rye Fire Department.

Mayor Otis said that a letter was forwarded to Mr. Robert Werner in 1999, stating the city's policy for naming streets and that the Planning Commission is responsible for maintaining a list of possible street names.

## 20. Old Business

A. Councilwoman Cunningham acknowledged that the Zoning Board of Appeals requested that a proclamation be prepared for Mr. Martin Edelman to express appreciation and recognition for all his contributions to the City of Rye. The City Council supported this action.

B. Councilman McKean circulated samples of computer-generated simulated photos of examples for a village green to assist in various site plan reviews for the Library, YMCA, and the Fire House. He recommended making a number of simulated views, as well as a walk-through.

A brief council discussion focused on funding for this project and the possibility of sharing the cost of this project among the city, Library and the YMCA.

Councilman Stampleman said this was a matter for the Planning Commission to decide and not the prerogative of the council. There was no action the council could take based on such simulated photos. It was up to the Planning Commission to decide whether these were necessary.

The council unanimously agreed to refer this project to the Planning Commission.

C. The Mayor proposed scheduling a special council meeting for Thursday, January 27, 2000 at 4 P.M. for a presentation by Monroe Telecom Associates and Comi Telecommunication Services regarding the city's right-of-way. He also suggested scheduling a public hearing to be part of that meeting to consider adopting a 60-day moratorium for the issuance of permits for the city's right-of-ways. A general discussion about the legal notice requirements concluded by scheduling the public hearing to February 2, 2000.

Councilman McKean made a motion, seconded by Councilman Stampleman and unanimously carried, to adopt the following resolution:

**WHEREAS**, a proposed local law entitled "A Local Law amending Chapter 167, Streets and Sidewalks, of the Rye City Code by creating a new Section 167-15, Moratorium Related to the Use of the City's Rights-of Way", has heretofore been introduced at this meeting and placed before the Mayor and each Councilman, and

**WHEREAS**, it is now desired to call a public hearing on such proposed local law, now, therefore, be it

**RESOLVED**, by the Council of the City of Rye as follows:

Section 1. Pursuant to Section 20 of the Municipal Home Rule law and the Charter of the City of Rye, New York, a public hearing will be held by the Council of said City on February 2, 2000 at 8:00 P.M. at City Hall, Boston Post Road, in said City, for the purpose of affording interested persons an opportunity to be heard concerning such resolution.

Section 2. Such notice of public hearing shall be in substantially the following form:

## **PUBLIC NOTICE**

**CITY OF RYE**

Notice of Public Hearing on a proposed local law amending Chapter 167, Streets and Sidewalks, of the Rye City Code by creating a new Section 167-15, Moratorium Related to the Use of the City's Rights-of Way

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 2nd day of February, 2000 at 8:00 P.M. at City Hall, Boston Post Road, in said City, at which interested persons will be afforded an opportunity to be heard concerning the proposed local law amending Chapter 167, Streets and Sidewalks, of the Rye City Code by creating a new Section 167-15, Moratorium Related to the Use of the City's Rights-of Way.

Copies of said local law may be obtained from the office of the City Clerk.

Dated: City Clerk

E. Councilwoman Cunningham acknowledged the December 13, 1999 letter from the Office of the Westchester County Attorney, regarding the Westchester County Sewer Remediation Program/Local Ordinances prohibiting Private Inflow.

Corporation Counsel Neale will review this communication and report to the City Council.

21. New Business

A. Councilman Stampleman questioned the status of installing permanent lights at the John Nugent Stadium at Rye High School.

The Mayor said that the Rye City School Board is considering laying conduits for lights during the renovation of the track. He indicated that a decision has not been made and that the larger issue is the Recreation Master Plan.

B. The council discussed Bennett Associates' communication about residency requirements for the City Manager's position. The City Charter requires residency. However, the consulting firm recommends that the Council consider residency as a preference rather than a requirement which would provide more flexibility during the interview process.

The Council briefly discussed the pros and cons of the residency requirement and housing costs in Rye.

The Mayor said that a decision did not have to be made at this meeting. However, there will be a council discussion of the residency issue and salary range before the consulting firm finalizes a draft document for the City Manager's job description. The Mayor will tentatively arrange to have Mr. Richard Bennett address the council on February 2, 2000. He asked the council to submit specific questions to Mrs. Carol Johnson, secretary to the City Manager, who will submit them to Mr. Bennett.

C. The Mayor reminded the council that the council orientation scheduled for Thursday, January 20, 2000 will begin at Rye Recreation.

D. Since this was the final regular council meeting for City Manager Culross, the council expressed its appreciation for his many years of dedicated and devoted service to the City of Rye

22. Adjournment

There being no further business to discuss, Councilman Hutchings made a motion, seconded by Councilwoman Larr and unanimously carried, to adjourn the meeting at 10: 15 P.M.

Respectfully submitted,

Alice K. Conrad  
City Clerk